

**Appl. No.** : 10/600,804  
**Filed** : June 19, 2003

### **REMARKS**

This paper is being submitted in response to the Office Action mailed March 22, 2005. In this paper, Claims 1, 3-7, 14, and 17 are amended. (Claim 3 has been amended to be more consistent with the form of an apparatus claim. Claims 4 and 5 are amended to depend from Claim 3 to provide antecedent basis for the first and second signal processing systems. Additional language of Claim 4 is amended as well.) Claims 21-23 are cancelled without prejudice. Claims 24-26 are added. Accordingly, Claims 1-20 and 24-26 are pending and presented for consideration.

#### **Claim Rejections – 35 U.S.C. § 102**

Claims 1-5, 8-13, and 15-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by George (U.S. Patent Application 2003/0002127 A1). Applicant submits, however, that George does not anticipate Claims 1-5, 8-13, and 15-16 because George does not include each element recited in these claims. For example, George does not disclose a polarization splitting element with an input port comprising a grating coupler, as recited in Claim 1. Additionally, George fails to disclose that the second waveguide is disposed less than one autocorrelation length from the first waveguide, as recited in Claim 9. Accordingly, George does not anticipate. Reconsideration of the rejection of Claims 1-5, 8-13, and 15-16 under 35 U.S.C. § 102(e) is, therefore, respectfully requested.

#### **Claim Objections**

Claims 6, 7, 14, and 17-19 were objected to as being dependent upon a rejected base claim. In response to the Examiner's objections, Claims 6, 7, 14, and 17 have been re-written in independent form to include the limitations of the rejected base claims and any intervening claims. In Claims 6, 7, and 14, however, the language reciting that the first and second waveguides are substantially identical is replaced with language reciting that the first and second waveguides have substantially the same waveguiding properties. Additionally, in Claims 6 and 7, antecedent basis is provided for the first and second signal processing systems. The limitations from Claim 3 incorporated in Claim 17 have also been rewritten to be more consistent with the form of an apparatus claim. Claims 18 and 19 remain dependent from Claim 17.

Applicant wishes to point out that the claims are patentable based on the combination of

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elements recited therein and not on any particular feature. Applicant also notes that features recited in the Office Action as comprising the claimed invention are not included in all the objected to claims. Applicant emphasizes that for any particular claim only those limitations expressly recited in such claim are relevant to the reasons for its allowability. In addition, to the extent that the Office Action paraphrasing of the subject matter of the claims differs from the language of the claims, Applicant respectfully disagrees with the reasons for indication of allowable subject matter.

Applicant submits that Claims 6, 7, 14, and 17-19 are in condition for allowance. Withdrawal of the objection to Claims 6, 7, 14, and 17-19 is, therefore, respectfully requested.

**Allowed Claim**

The Office Action states that Claim 20 is allowed.

**New Claims**

Claims 24-26 are new. Applicant submits that Claims 24-46 are patentable over the cited prior art.

**Conclusion**

Applicant submits that Claims 1-20 and 24-26 are in condition for allowance and such action is earnestly solicited. If the Examiner has any questions regarding the foregoing, the Examiner is invited to contact the undersigned at the phone number listed below.

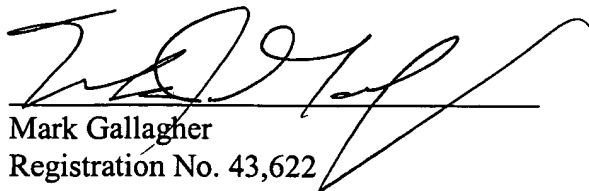
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

9/22/05

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